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Human rights and unilateral coercive measures

Report of the Secretary-General

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Introduction

1. This report is submitted pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999, in which the Commission requested the Secretary-General to bring the resolution to the attention of all Member States and seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-sixth session.

2. In accordance with paragraph 9 (b) of the resolution, the Secretary-General, in a note verbale dated 27 August 1999, invited Member States to transmit information relevant to the subject-matter. As at 1 December 1999, replies had been received from the following Governments: Congo, Iraq, Russian Federation and Yugoslavia. Those replies have been reproduced in the present document. Any additional replies will be submitted in an addendum to this report.

REPLIES RECEIVED FROM GOVERNMENTS

Congo

[20 September 1999]
[Original: French]

3. Under (resolution 1999/21), the Commission urges all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development.

4. This same resolution rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights.

5. In accordance with this resolution, the Congolese Government affirms that it has never resorted to, still less encouraged, such measures. It goes without saying that the measures adopted and applied by the Congolese Government are compatible both with international law and with the Charter of the United Nations. Consequently, the Congolese Government unequivocally condemns States which adopt and encourage such measures in relation to their own populations and third States.

Iraq

[15 September 1999]
[Original: Arabic]

6. The Government of Iraq wishes to point out that, in its final document adopted by consensus, the World Conference on Human Rights held at Vienna in 1993 called upon States to

refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that created obstacles to trade relations among States and impeded the full realization of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the right of all persons to a standard of living adequate for their health and well-being, including food, medical care and housing.

7. The Government of Iraq affirms its full commitment to the purposes set forth in Article 1, paragraphs 2 and 3 of the Charter of the United Nations, namely "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; to take other appropriate measures to strengthen universal peace; and to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all ...".

8. The imposition of unilateral coercive measures by some States have an adverse impact on the socio-humanitarian activities of developing countries and some of their effects transcend national frontiers and create additional obstacles that prevent peoples from enjoying all their human rights. Such measures also violate an imperative principle of international law, namely the inadmissibility of enforcing national legislation, in the form of economic sanctions, outside the territory of the State.

9. Iraq is one of a number of States that have been subjected to unilateral coercive measures insofar as the United States of America, Great Britain and France took unilateral decisions to impose an embargo on it before the adoption of Security Council resolution 661 (1990) concerning the imposition of economic sanctions on Iraq. Those decisions reflected the political and economic interests of those States, as illustrated by the fact that, in February 1990, the United States Administration imposed restrictions on the fulfilment of contracts for agricultural and industrial shipments which had been concluded with Iraq six months earlier.

10. In April 1990, the United States of America refused to fulfil its undertakings to supply Iraq with agricultural and commercial goods and, in July 1990, the United States Senate approved a ban on the supply of goods valued at $1.2 billion to Iraq.

11. On 2 August 1990, before the adoption of Security Council resolution 661 (1990), the President of the United States issued two executive orders imposing an embargo on trade with Iraq and freezing its financial assets.

12. On 2 and 4 August 1990, the British Treasury issued legal directives freezing Iraq's financial assets. France is also one of the States that imposed unilateral economic sanctions on Iraq through the promulgation, on 2 August 1990, of a decree ordering the suspension of financial relations with Iraq.

13. Those measures unquestionably prove that those States not only imposed unilateral sanctions on Iraq in advance of those decided upon by the Security Council of the United Nations but also laid down regulations for the sanctions imposed by the Security Council, as a result of which the application of the sanctions became an ongoing institutionalized process that clearly showed that those States intended to perpetuate the embargo.

14. While reaffirming its total rejection and condemnation of unilateral coercive measures, which violate the human rights of the peoples of the targeted States and aggravate the problems that those States face in regard to the fulfilment of their obligations under international human rights instruments, the Government of the Republic of Iraq calls upon the international community to make concerted collective endeavours, in collaboration with international organizations, to put an end to those practices with a view to ensuring that the resolutions adopted by the Commission on Human Rights in this connection are put into full effect.

Russian Federation

[19 October 1999]
[Original: Russian]

15. Over more than 50 years, the United Nations has accumulated an extensive and diverse arsenal of mechanisms and instruments for the peaceful settlement of disputes and conflicts, and has evolved ways of influencing States where gross violations of human rights and fundamental freedoms occur and whose policies may threaten the maintenance of international peace and security. Experience shows that States and the United Nations alike have relied mainly on non-violent measures to settle these problems, and have resorted to mandatory sanctions and other coercive measures only in exceptional cases.

16. The Russian Federation fully supports the principle contained in the Charter of Economic Rights and Duties of States adopted by the General Assembly whereby no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

17. The use of unilateral coercive measures not only violates human rights but also magnifies humanitarian problems. Although the supposed aim of unilateral coercive measures is to put pressure on a given political regime, it is the population which bears the brunt. Thus the imposition of sanctions on certain goods leads to food shortages and limited access to foreign markets causes economic recession which in turn leads to unemployment, inflation, mass impoverishment, starvation and a deterioration in the health of the population.

18. The Russian Federation has repeatedly stated in a number of international forums that it rejects the growing trend towards unilateral extraterritorial application of national laws and measures affecting other States' trade and foreign relations, since these laws and measures breach international law, violate the principles of the sovereign equality of States and respect for national sovereignty, and undermine peaceful coexistence.

19. The Russian Federation bases its policy on strict observance of the purposes and principles of the Charter of the United Nations and international law, including the principles referred to above. For the same reason the Russian Federation supported Commission on Human Rights resolution 1999/21.

Yugoslavia

[7 October 1999]
[Original: English]

20. The break-up of the former Yugoslavia in the early nineties was followed by a drastic five-year embargo imposed by the UN Security Council on the Federal Republic of Yugoslavia in 1992, coupled with maintenance of previous and institution of new unilateral sanctions against the Federal Republic of Yugoslavia by the United States and the European Union. This indicates that unilateral trade, economic and other measures are still in force against the Federal Republic of Yugoslavia. Sanctions, in addition to inflicting huge damage and losses on the economy and other sectors of social life in the country also affect the right of individuals to work, employment, life in a healthy environment, to education and the right of the people to development.

21. The so-called "outer-wall" of sanctions (not envisaged under the Dayton and other accords), prevents the normalisation of Yugoslavia's status in the United Nations and in international financial institutions and organizations (International Monetary Fund, World Bank, European Bank for Reconstruction and Development, etc.). As a consequence, the Federal Republic of Yugoslavia is unable to join world economic flows and cooperation and to return to the international capital market, which has an adverse effect on the entire population.

22. Over the past 10 years, the United States Government and Congress have adopted a number of decisions on unilateral measures of a coercive nature against the Federal Republic of Yugoslavia, measures that have not only served as an objective obstacle to, but have also indefinitely suspended economic cooperation with Yugoslavia. The United States has further removed the Federal Republic of Yugoslavia from its Generalized System of Preferences. The suspension of the most favoured nation treatment for Yugoslavia has meant that one of the oldest bilateral trade agreements between the United States of America and the then Kingdom of Serbia, concluded in 1882, has been terminated. All assets of the Federal Republic of Yugoslavia held in the United States have been frozen and trade operations with it banned; many arrangements on textiles, steel, commercial transport, tourism have been suspended. At the same time, the European Union has introduced trade and economic sanctions against the Federal Republic of Yugoslavia. In imposing its sanctions, the European Union has identified the situation in Kosovo and Metohija as the reason therefor. Considering that the Federal Republic of Yugoslavia has fully met all the requirements of UN Security Council resolution 1244 (1999) and that it has strictly abided by it, any further maintenance of sanctions is counterproductive, just as bringing in the new reasons for keeping them in place is unacceptable.

23. International sanctions from 1991 up to now have had a crippling effect on the Yugoslav economy. Its direct losses are estimated at about US$ 60 billion, while indirect losses stand at some US$ 150 billion, taking into account the lost social product and the lack of export earnings. Output and employment have slumped; additional costs have been incurred due to overwhelming numbers of unemployed and refugees sheltering in the Federal Republic of Yugoslavia. It still houses nearly 700,000 refugees coming from the former Yugoslav republics of Croatia and Bosnia and Herzegovina. Degradation of the living conditions has brought about ill-health of the population, increased deaths and reduced the already low birth rate. Concurrently with this, a

great many highly educated Yugoslav have left the country. Constraints on the funds allocated for education and culture have cut the level of these activities among the population. Opportunities to invest in environmental protection and promotion have declined, resulting in a bad quality and pollution of water, air and soil.

24. Externally, the sanctions have most severely affected those forms of cooperation with the European Union and the United States that are more advanced than trade and that could greatly help the initiated process of all-embracing reforms in the Federal Republic of Yugoslavia through business contracts between Yugoslav, European and US companies, by encouraging all forms of capital investment from Western countries in Yugoslavia and the transfer of know-how, restoration of banking and financial cooperation, etc.

25. The United States and its NATO allies, from 24 March to 10 June 1999, very brutally and sadistically bombed Yugoslavia day and night. Even though it was clear that the separatism and terrorism pursued by the so-called "KLA", aimed at seceding Kosovo and Metohija from Serbia and Yugoslavia was at stake, air strikes were launched allegedly to avert a humanitarian catastrophe and to protect the human rights of the Albanian ethnic community in Kosovo and Metohija. They caused many civilian casualties throughout the country. All Yugoslav infrastructure: the electrical energy system; oil refineries; bridges (more than 80 of them); transport routes; chemical plants; industrial capacity was systematically targeted. The bombs fell on television stations, hospitals, schools, kindergartens, retirement homes, shelters housing refugees from Croatia and Bosnia and Herzegovina, even a penitentiary where more than a hundred prisoners were killed. Over 600,000 people lost their jobs and 2.5 million remained without means to support their basic needs. Many cultural and historical sites and places of worship were demolished. With the new 250,000 refugee Serbs, Montenegrins, Roma and other ethnic groups who have come from Kosovo and Metohija, the total number of refugees and displaced persons in the Federal Republic of Yugoslavia has reached close to a million, the largest such number ever received by a European country.

26. The NATO aerial bombardment brought about a near environmental disaster in the Federal Republic of Yugoslavia.

27. Preliminary estimates of the losses inflicted by NATO aggression are in excess of US$ 100 billion. On the basis of its rights stemming from the United Nations Charter and other international legal norms and principles, the Federal Republic of Yugoslavia is seeking compensation for the damages caused by the aggression.

28. An undeclared war on Yugoslavia, isolation of a country, testing of new types of weapons, dropping on the civilian population of Yugoslavia of graphite and cluster bombs will be remembered as an arsenal of Western insanity against a sovereign country, a Member State of the United Nations.

29. Political and economic pressures brought to bear on Yugoslavia continue and are aimed at achieving, through targeted changes, the goals of Western power centres and at justifying the aggression against Yugoslavia. Further obstruction of oil and fuel deliveries for humanitarian purposes as winter approaches bears witness to it, although the NATO aggression was allegedly to prevent a humanitarian disaster and protect human rights. To defend reportedly the human

rights of a segment of the population, the rights of another, larger segment were flagrantly violated by dropping depleted uranium bombs on them, whereas keeping the sanctions in place directly threatens the right of the population to a normal life.

30. Unilateral imposition of economic and other sanctions as a means of political pressure on the Federal Republic of Yugoslavia is inconsistent with international law, the United Nations Charter and with international instruments. Causing the breaking off of trade, financial and other economic relations between Yugoslavia and the United States has prevented full realization of the rights set forth in the Universal Declaration of Human Rights and runs counter to the principles of free trade and development, as established under the Declaration on the Right to Development, in particular the right of individuals and peoples to development.

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